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1954

Jan. 8

Dr. Hilton C. Buley
Commissioner of Education
State Board of Education
State House Annex
Concord, New Hampshire

Dear Dr. Buley:

You have inquired whether a school district may borrow or incur a debt for school construction under the provisions of the Municipal Finance Act as inserted by chapter 258 of the Laws of 1953, as well as under chapter 5, Laws of 1951 as inserted by chapter 9, Laws of 1953.

It is the opinion of this office that school districts may operate under the provisions of chapter 5, Laws of 1951 as inserted by chapter 9, Laws of 1953.

Under ordinary rules of statutory construction, the later legislative act repeals any inconsistent earlier acts. However, recognizing this, the Legislature specifically stated in chapter 258 that chapter 9 should not be deemed repealed by this act. As chapter 258 deals with municipal corporations, towns, cities, village districts and school districts, and as chapter 9 deals only with school districts, it is the opinion of this office that by specifically retaining chapter 9, the legislature intended school districts to be governed by the provisions as established in the said chapter 9 as long as it remained effective. You will note in this respect that chapter 9 is limited as to effectiveness until December 31, 1954 while chapter 258 has no such limit.

Very truly yours,

Arthur E. Bean, Jr.
Assistant Attorney General

AFB, Jr./jt

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